

REMARKS

After entry of this amendment, claims 1 – 14 are pending in the application. None of the claims have been amended or canceled and no claims have been added. Reconsideration of the application as amended is requested.

In the Office Action dated 09/23/2005, the incorporation by reference is alleged to be improper. Paragraph [0013] has been amended to change the incorporated document from EP 0 319 172 to U.S. Pat. No. 4,931,635. EP 0 319 172 and U.S. Pat. No. 4,931,635 correspond to one another and are identical disclosures. It is therefore submitted that the objection to the incorporation by reference is overcome.

The drawings stand objected to for failing to show every feature of the invention specified in the claims. Figure 1 has been revised in response to the rejection of the drawings. A polarization device 17 and reflector 19 have been added to Figure 1 in accordance with the disclosure, especially paragraph [0013]. It is therefore submitted that the objection to the drawings is overcome.

Claims 1 – 14 stand rejected under 35 U.S.C. § 102(a) as being anticipated by Baumann et al., DE 101 61 550 A1. An Affidavit under 37 CFR § 1.132 is submitted with this Amendment setting forth that that the inventors of U.S. Application Serial No. 10/630,264 are the inventors of DE 101 61 550 A 1. Pursuant to M.P.E.P. 706.02(a), for 35 U.S.C. 102(a) to apply, the reference must have a publication date earlier in time than the effective filing date of the application, and must not be applicant's own work. Pursuant to M.P.E.P. 716.10, an affidavit or declaration may be submitted which attributes a reference to the applicant and if successful, the reference is no longer applicable. It is therefore submitted that DE 101 61 550 A1 is inapplicable to the present application. It is further submitted that since DE 101 61 550 A1 is the only cited reference, the claims of the present application are in suitable condition for allowance.

Enclosed is our check in the amount of \$120.00 as required for the late filing of this Amendment. If there are any additional fees due, the Commissioner is authorized to charge our Deposit Account for those additional fees or credit the account for any overpayments regarding this Amendment.



Respectfully submitted,

HOWARD & HOWARD ATTORNEYS

Dated: **January 19, 2006**


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CERTIFICATE OF EXPRESS MAILING

I hereby certify that the enclosed **Amendment, One Month Extension of Time and fee** are being deposited with the United States Postal Service as Express Mail, postage prepaid, in an envelope as "Express Mail Post Office to Addressee," Mailing Label No. **EV564946444US** and addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450 on **January 19, 2006**.


Tracy L. Smith

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